

**REMARKS**

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The claims are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1, 4-10, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by Watanabe (JP 2001-297457). The rejection is respectfully traversed.

Watanabe teaches an optical head device and an optical recording/reproducing device.

Claim 1, as amended, is directed to a flying head type optical head apparatus that includes a fixed arm, a suspension, an end of which is fixed to the fixed arm and the other end is a free end, a slider attached to the free end of the suspension, an object lens mounted on the slider, and optical means, a collimator lens and a collimator lens moving means. Claim 1 recites that the optical means is fixed to the fixed arm and has a light source and a light receiving system and the fixed arm is disposed between the object lens and the optical means. Claim 1 further recites that the collimator lens is positioned between the fixed arm and the object lens along an optical axis connecting the light source and the object lens via the collimator lens, for converging a light from the light source to make it enter the object lens, converging a returned-back light from the object lens to make it enter the light source. Further, claim 1 recites that the first collimator lens moving means moves the collimator lens along the optical axis between the fixed arm and the object lens. Also, claim 1 recites that the slider, mounted with the object lens and attached to the free end of the suspension, floats due to a wind pressure of a rotary body rotating at a position facing to the object lens.

Claim 16, as amended, is directed to an optical recording/reproducing apparatus that includes a rotary driving means for a rotary recording medium for optically or magneto-optically recording and/or recording/reading data, a flying head type optical head apparatus as recited in claim 1 and a control apparatus for performing tracking control on the optical head apparatus. Claim 16 recites that the control apparatus includes a collimator lens position control means for

controlling a position of the collimator lens by driving the first collimator lens moving means based on a focus error signal.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each and every element of claims 1 and 16, as amended. Specifically, it is respectfully submitted that the applied art fails to teach an optical means fixed to the fixed arm and having a light source and a light receiving system with the fixed arm disposed between the object lens and the optical means and a collimator lens positioned between the fixed arm and the object lens along an optical axis. Thus, it is respectfully submitted that claims 1 and 16 are allowable over the applied art.

Claims 4-10 depend from claim 1 and includes all of the features of claim 1. Claims 19 and 20 depend from claim 16 and includes all of the features of claim 16. Thus, the dependent claims are allowable at least for the reason the independent claims are allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 2, 3, 17 and 18 are rejected under 35 U.S.C. 103(a) as unpatentable over Watanabe in view of Yoo (U.S. Patent No. 6,243,216). The rejection is respectfully traversed.

Claims 2 and 3 depend from claim 1 and include all of the features of claim 1. Claims 17 and 18 depend from claim 16 and include all of the features of claim 16. Thus, the dependent claims are allowable at least for the reason the independent claims are allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as unpatentable over Watanabe in view of Knight (U.S. Patent No. 6,449,221). The rejection is respectfully traversed.

Claims 11, 12 and 15 depend from claim 1 and include all of the features of claim 1. Thus, the dependent claims are allowable at least for the reason the independent claims are allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Watanabe in view of Knight as applied to claims 11, 12 and 15 and further in view of Fuji et al. (U.S. Patent No. 4,667,315). The rejection is respectfully traversed.

Claim 13 depends from claim 1 and includes all of the features of claim 1. Thus, the dependent claim is allowable at least for the reason the independent claims are allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claim 14 is rejected under 35 U.S.C. 103(a) as unpatentable over Watanabe in view of Knight as applied to claims 11, 12 and 15 and further in view of Yonezawa et al. (U.S. Patent No. 4,703,408). The rejection is respectfully traversed.

Claim 14 depends from claim 1 and includes all of the features of claim 1. Thus, the dependent claim is allowable at least for the reason the independent claims are allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as unpatentable over Watanabe in view of Yanagawa et al. (U.S. Patent No. 5,982,733). The rejection is respectfully traversed.

Claim 20 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 1 is allowable as well as for the features it recites.

Claim 21 depends from claim 16 and includes all of the features of claim 16. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 16 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

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Respectfully submitted,

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Attachments: Amendment Transmittal

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